

**Central Administrative Tribunal  
Principal Bench**

**OA- 2377/2016**

**MA- 2170/2016**

**MA- 2171/2016**

New Delhi, this the 11<sup>th</sup> day of January, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)**

**Hon'ble Mr. S.N. Terdal, Member (J)**

1. Kishan Kumar,  
Aged about 57 years  
S/o Shri Ram Kumar  
Working as Elect.Khallasi Group 'D'  
SSE/OHE/Ajmeri Gate, New Delhi  
Delhi Division, Northern Railway,

2. Chitra Kumar, Aged 24 Years  
S/o Sh. Kishan Kumar  
Elect.Khallasi Group 'D'  
SSE/OHE/Ajmeri Gate, New Delhi  
Delhi Division, Northern Railway,

Both Resident of House No.L.- 108/20,  
Pusta Area, Sadat Pur, Delhi - 110094

....Applicants

(None)

Versus

1. Union of India  
Through The General Manager  
Northern Railway, Baroda House,  
New Delhi.

2. The Divisional Railway Manager  
Northern Railways, State Entry Road  
New Delhi.

....Respondents

(None)

**ORDER (ORAL)****Ms. Nita Chowdhury, Member (A):**

1. M.A. 2170/2016 for joining together is allowed for the reasons stated therein.
2. This Original Application (OA) has been filed by the applicants seeking the following reliefs:-
  - “8.1. to allow the O.A. and quash and set aside the impugned orders dated 29.03.2016 and 27.04.2016 (Ann. A-1& A-2) and consequently direct the respondents to grant V.R.S. of the petitioner No. 1 and consider Petitioner No. 2 for appointment under LARSGESS with all consequential benefits; and
  - 8.2. To grant any other or further appropriate relief as deemed just and proper by hti Hon’ble Tribunal as per facts and circumstances of the case, besides costs and expenses of the present litigation.
3. When the matter is taken up for hearing, counsel for the parties are not present. Hence we proceede the matter under Rule 15 & 16 of CAT (Procedure) Rules, 1987.
4. In a similar case, i.e. OA No. 960/2016 (**Pala Ram v. Union of India &Ors.**), it is found that the Railway Board, vide its letter No.E(P&A)I-2015/RT-43 dated 26.09.2018, has terminated the LARSGESS Scheme in view of directions of Hon’ble High Court of Punjab and Haryana and the orders of Hon’ble Supreme Court in SLP (C) No. 508/2018 dated 08.01.2018. The said order of the Railway Board reads as under:-

“Sub: Termination of the LARSGESS Scheme in view of directions of Hon’ble High Court of Punjab and Haryana and the orders of Hon’ble Supreme Court of India in SLP (C) No. 508/2018 dated 08.01.2018.

Ref: Board’s letter of even number dated 27.10.2017.

The Hon’ble Punjab and Haryana High Court in its judgment dated 27.04.16 in CWP No. 7714 of 2016 had held that the Safety Related Retirement Scheme 2004 (later renamed as the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS, 2010) “*prima facie does not stand to the test of Articles 14 and 16 of the Constitution of India*” It had directed “*before making any appointment under the offending policy, let its validity and sustainability be revisited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment.*” Thereafter, in its judgment dated 14.07.17 (Review Petition RA-CW-330-2017 in CWP No. 7714 of 2016), the Hon’ble High Court reiterated its earlier direction and stated “*such a direction was necessitated keeping in view the mandate of the Constitution Bench in State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1.*”

1.1 In the Appeal against the judgment of the Hon’ble High Court of Punjab & Haryana, the Hon’ble Supreme Court of India, while disposing of the SLP (C) No. 508/2018 vide its order dt. 8.01.18, declined to interfere with the directions of the High Court.

2. In compliance with the above directions, Ministry of Railways have revisited the scheme duly obtaining legal opinion and consulted Ministry of Law & Justice. Accordingly, it has been decided to terminate the LARSGESS Scheme w.e.f. 27.10.2017 i.e. the date from which it was put on hold. No further appointments should be made under the Scheme except in cases where employees have already retired under the LARSGESS Scheme before 27.10.17 (but not normally superannuated) and their wards could not be appointed due to the Scheme having been put on hold in terms of Board’s letter

dated 27.10.17 though they had successfully completed the entire process and were found medically fit. All such appointments should be made with the approval of the competent authority.”

5. From the facts of this case, it is clear that the respondents had not granted the request of the applicants to be considered for voluntary retirement and that as per Para 2 of the aforesaid Railway Board’s letter, the scheme of LARSGESS has now been terminated w.e.f. 27.10.2017.

6. In view of the above facts and circumstances, nothing remains to be adjudicated in this matter and the OA is accordingly dismissed. M.A. 2171/2016 is stands disposed of. No order as to costs.

**(S.N. Terdal)**  
**Member (J)**

**(Nita Chowdhury)**  
**Member (A)**

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